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Counsel for Defendant
FIRBIMATIC SpA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

KFD ENTERPRISES, INC., a California
corporation dba Norman's Dry Cleaner,

Plaintiff,

v.

CITY OF EUREKA, et al.,

Defendants.

AND ALL RELATED CROSS-CLAIMS
AND THIRD-PARTY CLAIMS.

) No. 3:08-cv-04571-MMC

) **ORDER GRANTING**
) **STIPULATED REQUEST FOR**
) **VOLUNTARY DISMISSAL WITH**
) **PREJUDICE OF PLAINTIFF KFD**
) **ENTERPRISES, INC.'S ENTIRE**
) **ACTION AGAINST DEFENDANT**
) **FIRBIMATIC SpA**
) **[Fed. R. Civ. P. 41(a)(2); Civil L.R. 7-12]**

) Courtroom: 7 (19th Floor)

) Judge: Hon. Maxine M. Chesney

Pursuant to Federal Rule of Civil Procedure 41(a)(2) and Civil L.R. 7-12, Plaintiff KFD Enterprises, Inc. ("KFD") and Defendant Firbimatic SpA ("Firbimatic") hereby stipulate and respectfully request judicial action as follows:

WHEREAS, KFD has asserted and prosecuted this action against Firbimatic, among other parties;

1 WHEREAS, pursuant to Federal Rule of Civil Procedure 41(a)(2), KFD now desires to dis-
 2 miss with prejudice its entire action, and all claims encompassed therein, against Firbimatic, while
 3 continuing its action against all other parties, *cf. Hells Canyon Preservation Council v. United*
 4 *States Forest Service*, 403 F.3d 683, 687 (9th Cir. 2005) (observing that Rule 41(a) “allow[s] the
 5 dismissal of *all* claims against *one* defendant, so that a defendant may be dismissed from the en-
 6 tire action”); and

7 WHEREAS, KFD and Firbimatic agree that each party will bear its own costs and attor-
 8 neys’ fees with respect to KFD’s action against Firbimatic;

9 THEREFORE, the parties hereto stipulate and respectfully request that this Court enter an
 10 order dismissing with prejudice KFD’s entire action, and all claims encompassed therein, against
 11 Firbimatic only, each party to bear its own costs and attorneys’ fees.

12 Dated: October 17, 2011.

13 Respectfully submitted,

14 /s/ Eric Grant

Eric Grant

John B. Thomas

Hicks Thomas LLP

16 Counsel for Defendant

FIRBIMATIC SpA

18 (The filer hereby attests that concurrence in
 19 the filing of this document has been obtained
 20 from the signatory below.)

21 GREBEN & ASSOCIATES

22 /s/ Jeff Coyner

Jan A. Greben

Jeff Coyner

Danielle De Smeth

25 Attorneys for Plaintiff KFD ENTERPRISES,
 26 INC., a California corporation dba Norman’s
 Dry Cleaner


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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 20, 2011.


Hon. MAXINE M. CHESNEY
United States District Judge

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